


While physical detention is not required for a petitioner to meet the custody requirement and obtain habeas relief, *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), before a court can exercise habeas jurisdiction over a petitioner no longer in custody, “the petitioner must demonstrate that . . . his subsequent release has not rendered the petition moot, *i.e.*, that he continues to present a case or controversy under Article III, § 2 of the Constitution.” *Zalawadia v. Ashcroft*, 371 F.3d 292, 296 (5th Cir. 2004). “The petitioner presents an Article III controversy when he demonstrates ‘some concrete and continuing injury other than the now-ended [detention] -- a ‘collateral consequence of the conviction.’” *Id.* at 297 (quoting *Spencer v. Kemna*, 523 U.S. 1, 7 (1998)).

In the present case, it is unclear whether Petitioner can meet his burden of showing he continues to present a case or controversy under Article III, § 2 of the Constitution as Petitioner has not notified the District Clerk of his current address. (ECF No. 3). Importantly, Petitioner was warned that failure to promptly furnish the Court with a change of address when such occurs could be interpreted as failure to prosecute and result in involuntary dismissal pursuant to Federal Rule of Civil Procedure 41(b). (*Id.*).

Accordingly, Petitioner's 28 U.S.C. § 2241 Habeas Corpus Petition (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

It is so ORDERED.

SIGNED this 26th day of October, 2020.



FRED BIERY
UNITED STATES DISTRICT JUDGE